

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

U.S. ETHERNET INNOVATIONS, LLC,

Plaintiff,

v.

ACER, INC., et al.,

Defendants.

and

ATHEROS COMMUNICATIONS, INC., et al.,

Intervenors.

No. C 10-3724 CW

ORDER ON  
ADMINISTRATIVE  
MOTIONS TO SEAL

(Docket Nos.  
1162, 1165, 1168,  
1183, 1192, 1195,  
1196, 1217, 1221,  
1225, 1238, 1255,  
1258, 1261 and  
1279)

U.S. ETHERNET INNOVATIONS, LLC,

Plaintiff,

v.

AT&T MOBILITY, LLC, et al.,

Defendants.

No. C 10-5254 CW

ORDER ON  
ADMINISTRATIVE  
MOTIONS TO SEAL

(Docket Nos. 525,  
526, 532, 536,  
537, 545, 553,  
556, 559 and 568)

Before the Court are numerous administrative motions to seal  
filed by multiple parties.

Under Civil Local Rule 79-5, a document may be filed under  
seal only if a party establishes that the portions sought to be  
sealed "are privileged, protectable as a trade secret or otherwise  
entitled to protection under the law." Civ. L.R. 79-5(b). Any  
sealing request must be narrowly tailored to cover only sealable  
material. Id. The request must be supported by the designating

1 party's declaration establishing that the information is sealable.  
2 Id. subsection (d).

3 "Historically, courts have recognized a 'general right to  
4 inspect and copy public records and documents, including judicial  
5 records and documents.'" Kamakana v. City & Cnty. of Honolulu,  
6 447 F.3d 1172, 1178 (9th Cir. 2006). In considering a sealing  
7 request, the Court begins with "a strong presumption of access  
8 [as] the starting point." Id.

9 A party seeking to seal records attached to a dispositive  
10 motion bears the burden of establishing "compelling reasons  
11 supported by specific factual findings that outweigh the general  
12 history of access and the public policies favoring disclosure."  
13 Id. at 1178-79. This is because dispositive motions represent  
14 "the heart of the interest in ensuring the public's understanding  
15 of the judicial process and of significant public events." Id.  
16 at 1179.

17 The strong presumption in favor of access does not apply with  
18 equal force to non-dispositive motions, which may be only  
19 "tangentially related" to the underlying cause of action. Id.  
20 at 1179-80. A party seeking to seal materials related to non-  
21 dispositive motions must show good cause by making a  
22 "particularized showing" that "specific prejudice or harm will  
23 result" should the information be disclosed. Id.; Fed. R. Civ. P.  
24 26(c). "[B]road, conclusory allegations of potential harm" will  
25 not suffice. Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d  
26 1122, 1131 (9th Cir. 2003). These different standards are applied  
27 as relevant to the documents addressed below.  
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The Court provides the following rulings on the parties' motions to seal, as articulated in the table below.

Case No. 10-3724

Docket No.	Ruling
1162	<p>Intervenor Atheros seeks permission to file under seal Exhibits 1 and 2 to the Declaration of John W. McCauley, IV in support of Intervenor's and Defendants' Motions for Summary Judgment and Opposition to Plaintiff's Dispositive Motions. These documents contain references to and excerpts from Atheros product specifications including source code.</p> <p>If Atheros seeks permission to seal these documents in their entirety, the motion is DENIED for failure to comply with Civil Local Rule 79-5(b), which requires that requests to seal be narrowly tailored.</p> <p>However, if Atheros intended to file these documents with only confidential information redacted (as suggested by its statement that "[t]he exhibits contain information that has been marked as [confidential]"), Atheros fails to file redacted versions of these documents as required by Civil Local Rule 79-5(d)(1)(C).</p>

1		Accordingly, the motion is DENIED (Docket No. 1162).
2		Atheros may resubmit a modified and narrowly
3		tailored version of this sealing request no later
4		than seven days from the date of this order. If it
5		does not do so, the documents must be filed in the
6		public record.
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8	1165	Defendant Hewlett Packard (HP) moves to file under
9		seal all or parts of the following two documents:
10		Exhibit 1 and 2 to the Declaration of Cameron A.
11		Zinsli (Zinsli Declaration). HP has not provided
12		any justification for why these documents should be
13		sealed. Accordingly, the motion is DENIED (Docket
14		No. 1165). Within seven days of the date of this
15		order, HP shall file a declaration justifying its
16		request, or, in the alternative, file unredacted
17		versions of these documents in the public record.
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19	1168	Intervenor Marvell Semiconductor (MSI) moves to file
20		under seal all or part of the following documents
21		filed in support of Intervenor's and Defendants'
22		Motions for Summary Judgment and Opposition to
23		Plaintiff's Dispositive Motions:
24		1. Intervenor's and Defendants' Motions for
25		Summary Judgment and Opposition to Plaintiff's
26		Dispositive Motion. The motion is GRANTED
27		because MSI has limited its request to
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confidential information.

2. Exhibits 1–5 to the Declaration of Michael Flynn–O’Brien in Support of Intervenor’s and Defendants’ Motions for Summary Judgment and Opposition to Plaintiff’s Dispositive Motion (Flynn Declaration). These exhibits contain detailed MSI sales and financial information. The motion is GRANTED because MSI has limited its request to confidential information.

3. Exhibits 6–8 to the Flynn Declaration. These documents comprise excerpts from the expert report and deposition of Dr. Mitzenmacher, and quote MSI’s highly confidential technical documentation. The motion is GRANTED because MSI has limited its request to confidential information.

4. Exhibit 9 to the Flynn Declaration. Exhibit 9 comprises excerpts from the deposition transcript of MSI’s Rule 30(b)(6) technical witness, Manfred Kunz. The motion is GRANTED because MSI has limited its request to confidential information.

5. Exhibit 10 to the Flynn Declaration. Exhibit 10 comprises excerpts from the deposition transcript of Dr. Thomas M. Conte, USEI’s expert regarding validity. The motion is GRANTED because MSI has limited its request to

1		confidential information.
2		6. The Declaration of Manfred Kunz (Kunz
3		Declaration), in its entirety. Portions of the
4		Kunz Declaration contain MSI's confidential
5		technical documentation and source code for the
6		accused products. The motion is GRANTED
7		because MSI has limited its request to
8		confidential information.
9		7. Exhibit 1 to the Kunz Declaration. Exhibit 1
10		is an excerpt from MSI's internal and
11		confidential correspondence regarding analysis
12		of certain MSI and third party products. The
13		motion is GRANTED because MSI has limited its
14		request to confidential information.
15		Accordingly, MSI's motion to seal is GRANTED (Docket
16		No. 1168).
17	1183	Defendant Apple moves to file under seal all or part
18		the following documents in Support of its Motion for
19		Partial Summary Judgment of Non-Infringement of the
20		094 Patent:
21		1. Exhibit 1 to the Declaration of Chris Cravey
22		(Cravey Declaration). The document contains
23		technical material from Sun Microsystem's (now
24		Oracle America, Inc.) proprietary literature
25		describing the structure, configuration, and
26		operation of the Sun Ethernet technology. The
27		motion is GRANTED because Apple has limited its
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request to confidential information.

2. Exhibit 2 to the Cravey Declaration. Exhibit 2 is a detailed summary of Apple's Ethernet components and software. The motion is GRANTED because Apple has limited its request to confidential information.

3. Exhibit 3 to the Cravey Declaration. Exhibit 3 contains highly sensitive information regarding how certain aspects of the Sun Ethernet technology was utilized and implemented in certain Apple products. The motion is GRANTED because Apple has limited its request to confidential information.

4. Exhibit 4 to the Cravey Declaration. Exhibit 4 comprises excerpts from the Sun GEM Gigabit Ethernet ASIC Specification. The motion is GRANTED because Apple has limited its request to confidential information.

5. Exhibit 5 to the Cravey Declaration. Exhibit 5 comprises portions of Apple's Ethernet driver source code for the accused Sun Ethernet technology utilized in certain Apple products. The motion is GRANTED because Apple has limited its request to confidential information.

6. Exhibit 6 to the Cravey Declaration. Exhibit 6 comprises certain excerpts from the May 31, 2014 deposition of USEI technical expert

1		Michael Mitzenmacher. The motion is GRANTED
2		because Apple has limited its request to
3		confidential information.
4		7. Apple's Motion for Partial Summary Judgment, as
5		found in Docket No. 1167-2 (redacted) and 1167-
6		3 (unredacted). The motion is GRANTED because
7		Apple has limited its request to confidential
8		information.
9		Accordingly, Apple's motion to seal is GRANTED
10		(Docket No. 1183).
11	1192	Defendant Intel seeks permission to file Exhibit 1
12		to the Declaration of Melissa Hotze (Hotze
13		Declaration) in Support of its Motion for Relief
14		from Non-Dispositive Pretrial Order of Magistrate
15		Judge. Exhibit 1 contains excerpts from the
16		videotaped disposition of Laurence Rosenberg. Intel
17		has not provided any reason why this document should
18		be filed under seal, and there does not appear to be
19		any sealable material in the document. Accordingly,
20		Intel's motion to seal is DENIED (Docket No. 1192).
21		Within seven days of the date of this order, Intel
22		may file a declaration justifying its request, or,
23		in the alternative, file an unredacted version of
24		this document in the public record.
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26	1195	USEI seeks permission to file under seal, in its
27		entirety, its Reply in Support of its Motions for
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	(536 in 10-5254)	Summary Judgment and Response in Opposition to Intervenor's and Defendants' Motions for Summary Judgment. USEI does not limit its request to only confidential material, and the document contains unsealable information. Accordingly, the motion is DENIED (Docket No. 1195) for failure to comply with Civil Local Rule 79-5(b), which requires that requests to seal be narrowly tailored. USEI may resubmit a modified and narrowly tailored version of this sealing request no later than seven days from the date of this order. Because this document has been designated confidential both by USEI and Defendants, USEI must also provide proof of service to Defendants. Within four days of being served, Defendants must file a declaration establishing that the document is sealable. If the parties fail to do so, the document must be filed in the public record.
19 20 21 22 23 24 25 26 27 28	1196  (537 in 10-5254)	USEI seeks permission to file under seal all or part of numerous documents in support of its Motions for Summary Judgment:  1. Exhibits 2, 9, 13-16, 22-25, 27, 29, 31, 32, 35-37, 39-47, 50-52, 54, 55, 58, 61-65, 67, 69 and 70 to the Declaration of D. Sean Nation (Nation Declaration). These documents comprise excerpts of confidential technical information, including, in some cases, source code. The

1 motion is GRANTED with regard to these  
2 documents because USEI has limited its request  
3 to confidential technical information.

4 2. Exhibits 4, 27, 34, 48, 53, 57, 66 and 68 to  
5 the Nation Declaration. The motion is DENIED  
6 with regard to these documents for failure to  
7 comply with Civil Local Rule 79-5(b), which  
8 requires that requests to seal be narrowly  
9 tailored. USEI may resubmit a modified and  
10 narrowly tailored version of this sealing  
11 request no later than seven days from the date  
12 of this order. If it does not do so, these  
13 documents must be filed in the public record.

14 3. Exhibits 3, 11, 38 and 56 to the Nation  
15 Declaration. These documents contain  
16 confidential design and technical information  
17 about Intel's products. As the designating  
18 party, Intel has provided redacted and  
19 unredacted versions of these documents in  
20 Docket No. 1207. The motion is GRANTED with  
21 regard to these documents because Intel limits  
22 the redacted material to confidential technical  
23 information. The redacted versions of these  
24 documents can be filed under seal.

25 4. Exhibit 59 to the Nation Declaration. The  
26 motion is DENIED with regard to this document  
27 because the document discusses issues that are  
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1		in the public record. USEI may file a
2		declaration justifying its sealing request no
3		later than seven days from the date of this
4		order. If it does not do so, these documents
5		must be filed in the public record.
6		Accordingly, USEI's motion to seal is GRANTED in
7		part and DENIED in part, as set forth above (Docket
8		No. 1196).
9	1217	Defendant Apple seeks permission to file under seal
10		all or part of the following documents in Support of
11		the Reply in Support of Intervenor's and Defendants'
12		Motions for Summary Judgment and Opposition to
13		Plaintiff's Dispositive Motion:
14		1. Exhibit 7 to the Cravey Declaration. Exhibit 7
15		contains excerpts from the May 31, 2014
16		deposition of USEI's technical expert Michael
17		Mitzenmacher. The motion is GRANTED because
18		Apple has limited its request to confidential
19		information.
20		2. Portions of Apple's Reply in Support of its
21		Motion for Partial Summary Judgment of Non-
22		Infringement of the '094 Patent. The document
23		contains information about Apple's acquisition
24		of the Sun Ethernet technology and the
25		technical configuration and settings of the Sun
26		Ethernet technology. The motion is GRANTED
27		because Apple has limited its request to
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1		confidential information.
2		Accordingly, Apple's motion to seal is GRANTED
3		(Docket No. 1217).
4	1221	Defendant Intel seeks permission to file under seal
5		all or part of the following documents in support of
6	(545 in	Intervenors' and Defendants' Reply In Support of
7	10-5254)	Motions for Summary Judgment:
8		1. The Reply itself. Portions of the document
9		contain confidential Intel financial
10		information and sales information pertaining to
11		the sales of PHY chips and ICH2 products. The
12		motion is GRANTED with regard to this document
13		because Intel has limited its request to
14		confidential information.
15		2. Exhibit 67 to the Constant Reply Declaration.
16		Exhibit 67 contains discussion of a settlement
17		agreement. Intel does not, however, provide
18		the name of the party who designated the
19		document confidential, nor has it articulated a
20		compelling reason why it should be sealed.
21		Accordingly, with regard to Exhibit 67, this
22		motion is DENIED. With seven days, Intel must
23		file a declaration justifying its request and
24		identifying the party that designated the
25		document confidential, along with proof of
26		service on that party. If Intel fails to do
27		so, the document must be withdrawn. The
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designating party must file, within four days of being served, a declaration justifying why the document is sealable. If it does not do so, the document must be filed in the public record.

3. Exhibit 68 to the Constant Reply Declaration. Exhibit 68 is the supplemental expert report of Walter Bratic. This document refers to a confidential agreement between Intel, Xircom and 3Com. The motion is GRANTED with regard to this document because Intel has limited its redactions to only confidential information.

4. Exhibits 69 and 70 to the Constant Reply Declaration. These are exhibits to USEI's Damages Expert's First and Supplemental Report regarding Intel. Intel seeks to seal these documents in their entirety due to the confidential financial information contained therein. The motion is GRANTED with regard to this document because Intel has limited its request to confidential information.

Accordingly, Intel's motion to seal is GRANTED in part and DENIED in part, as set forth above (Docket No. 1221).

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Intervenor MSI seeks permission to file under seal all or part of the following documents filed in

connection with the Reply in Support of Intervenor's  
and Defendants' Motions for Summary Judgment and  
Opposition to Plaintiff's Dispositive Motions:

1. The Reply itself. MSI represents that the  
document discusses detailed financial and  
technical information about MSI. However, MSI  
has failed to file both the redacted and  
unredacted versions of the document as required  
by Local Civil Rule 79-5(d)(1). Accordingly,  
with regard to this document, the motion is  
DENIED. Within seven days, MSI must file a  
declaration accompanied by the unredacted and  
redacted versions of this document, or, in the  
alternative, file an unredacted version of this  
document in the public record.

2. Exhibits 11-12 to the Flynn Declaration. These  
documents contain excerpts from the Rebuttal  
Expert Report of Dr. Leonard J. Forys Re: Non-  
Infringement. The motion is GRANTED with  
regard to these documents because MSI has  
limited its request to confidential  
information.

3. Exhibit 13 to the Flynn Declaration. Exhibit  
13 is a sealed "Order on Marvell's Motion for  
Summary Judgment" from France Telecom S.A. v.  
Marvell Semiconductor, Inc., Case No. 12-cv-  
04967-WHO (N.D. Cal.). The order contains

confidential business contacts, locations, and financial information, and was sealed in that case. The motion is GRANTED with regard to this document because MSI limits its request to only confidential information and the information was previously sealed.

4. Exhibit 14 to the Flynn Declaration. Exhibit 14 is the sealed "Plaintiff's Opposition to Defendant's Motion for Summary Judgment" filed in France Telecom S.A. Exhibit 14 contains confidential sales, business, and financial information. The motion is GRANTED with regard to this document because MSI limits its request to only confidential information and the information was previously sealed.

5. Exhibit 16 to the Flynn Declaration. Exhibit 16 is Exhibit 2 of Deposition of Kenny Tam, which contains two copies of a license agreement between MSI, MAPL, and 3Com. The motion is GRANTED with regard to this document because MSI has limited its request to confidential information.

6. Exhibit 17 to the Flynn Declaration. Exhibit 17 contains excerpts from the Rebuttal Expert Witness Report and Disclosure of Julie L. Davis. The motion is GRANTED with regard to this document because MSI has limited its

1		request to confidential information.
2		7. Exhibit 19 to the Flynn Declaration. Exhibit
3		19 is the deposition transcript of MSI's Rule
4		30(b)(6) technical witness, Manfred Kunz. The
5		motion is GRANTED with regard to this document
6		because MSI limits its request to only
7		confidential information.
8		Accordingly, MSI's motion to seal is GRANTED in part
9		and DENIED in part, as set forth above (Docket No.
10		1225).
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12	1238	USEI seeks permission to file under seal all or part
13		of the following documents:
14	(553 in	1. Exhibits 1-6 and 11-14 contain the reports of
15	10-5254)	USEI's primary infringement expert, Dr.
16		Mitzenmacher, which USEI seeks to file under
17		seal in their entirety. These exhibits are the
18		base and supplemental infringement reports
19		prepared by Dr. Mitzenmacher for Defendants and
20		Intervenors. The motion with regard to these
21		documents is DENIED for failure to comply with
22		Civil Local Rule 79-5(b), which requires that
23		requests to seal be narrowly tailored. USEI
24		may resubmit a modified and narrowly tailored
25		version of this sealing request no later than
26		seven days from the date of this order. If it
27		does not do so, the documents must be filed in
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1		the public record.
2		2. Exhibit 9 is pages 49-52 of the report of
3		USEI's expert Dr. Thomas Conte. USEI
4		represents that Exhibit 9 has been designated
5		by Defendants as highly confidential.
6		Defendants have not filed declarations in
7		support of USEI's motion to seal as required by
8		Civil Local Rule 79-5(e). Accordingly, with
9		regards to Exhibit 9, the motion is DENIED.
10		Defendants must file, within four days of the
11		date of this order, a declaration justifying
12		why this document is sealable. If Defendants
13		fail to do so, USEI must file this document in
14		the public record.
15		3. Exhibit 15 is a report of Dr. Walter Bratic,
16		USEI's damages expert. The motion is DENIED
17		with regard to this document for failure to
18		comply with Civil Local Rule 79-5(b), which
19		requires that requests to seal be narrowly
20		tailored. USEI may resubmit a modified and
21		narrowly tailored version of this sealing
22		request no later than seven days from the date
23		of this order. If it does not do so, the
24		document must be filed in the public record.
25		Accordingly, the motion is DENIED (Docket 1238).
26	1255	Intervenor Atheros moves to seal, in their entirety,
27		Exhibits 1 and 5 to the Declaration of John W.
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1		McCauley (McCauley Declaration) in support of its
2		opposition to USEI's motion to supplement the record
3		and for leave to serve supplemental reports. The
4		documents contain references to and excerpts from
5		Atheros product specifications, which include source
6		code. The motion (Docket No. 1255) is DENIED for
7		failure to comply with Civil Local Rule 79-5(b),
8		which requires that requests to seal be narrowly
9		tailored. Atheros may resubmit a modified and
10		narrowly tailored version of this sealing request no
11		later than seven days from the date of this order.
12		If it does not do so, the documents must be filed in
13		the public record.
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15	1258	Intervenor Intel seeks permission to file under seal
16		all or part of the following documents in connection
17	(556 in	with Intervenor's and Defendants' Opposition to
18	10-5254)	USEI's Motion to Supplement the Record and for Leave
19		to Serve Supplemental Reports:
20		1. The Opposition itself. The motion is GRANTED
21		with regard to this document because the
22		materials are related to a non-dispositive
23		motion and because Intel limits the redacted
24		material to only confidential information.
25		2. Exhibits 2, 4, 9, 11, 19 and 20 to the
26		Declaration of Justin L. Constant (Constant
27		Declaration). Intel does not provide any
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justification for why these documents should be sealed. Accordingly, with regard to these documents, the motion is DENIED. Within seven days of the date of this order, Intel may file a declaration justifying its request, or, in the alternative, file unredacted versions of these documents in the public record. Because these documents have been designated confidential by USEI, Intel must also provide proof of service to USEI. Within four days of receiving notice, USEI must file a declaration establishing that these documents are sealable. If the parties fail to do so, these documents must be filed in the public record.

3. Exhibits 3, 5, 13, 16, 17 to the Constant Declaration. These are varying versions of Mr. Bratic's Expert Report exhibits J2 and J5. The motion is GRANTED with regard to these materials because the materials are related to a non-dispositive motion and because Intel limits its request to only confidential information.

4. Exhibit 6 to the Constant Declaration. This is a chart showing calculations based on unit sales in Mr. Bratic's Expert Report. The motion is GRANTED with regard to this document because the materials are related to a non-

1		dispositive motion and because Intel limits its
2		request to only confidential information.
3		5. Exhibit 8 to the Constant Declaration. Exhibit
4		8 comprises a portion of the Base Expert
5		Witness Report of Dr. Michael Mitzenmacher
6		(Mitzenmacher Report). The motion is GRANTED
7		because the materials are related to a non-
8		dispositive motion and because Intel limits its
9		request to only confidential information.
10		6. Exhibits 14 and 15 to the Constant Declaration,
11		which Intel seeks to file under seal in their
12		entirety. These are Mr. Bratic's First and
13		Second Supplemental Base Reports. The motion
14		is DENIED with regard to these documents for
15		failure to comply with Civil Local Rule 79-
16		5(b), which requires that requests to seal be
17		narrowly tailored. Intel may resubmit a
18		modified and narrowly tailored version of this
19		sealing request no later than seven days from
20		the date of this order. If it does not do so,
21		and USEI does not either, these documents must
22		be filed in the public record.
23		The motion is GRANTED in part and DENIED in part, as
24		set forth above (Docket No. 1258).
25	1261	Intervenor Marvell (MSI) seeks permission to file
26		under seal all or part of the following documents in
27		connection with Intervenor's And Defendants'
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1		Opposition To USEI's Motion To Supplement The Record
2		And For Leave To Serve Supplemental Reports:
3		1. The Opposition itself. MSI represents that the
4		document discusses detailed financial and
5		technical information about itself. However,
6		MSI has failed to file both the redacted and
7		unredacted versions of the document in
8		connection with this motion as required by
9		Local Civil Rule 79-5(d)(1). Accordingly, with
10		regard to this document, the motion is DENIED.
11		Within seven days, MSI must file a declaration
12		accompanied by the unredacted and redacted
13		versions of this document, or, in the
14		alternative, file an unredacted version of this
15		document in the public record.
16		2. Exhibits 2-8 to the Declaration of Michael
17		Flynn-O'Brien (Flynn Declaration). These
18		exhibits comprise highly confidential
19		technical, financial, and business information.
20		The motion is GRANTED with regard to these
21		materials because they are related to a non-
22		dispositive motion and because MSI limits its
23		request to only confidential information.
24		MSI's motion to seal is GRANTED in part and DENIED
25		in part, as set forth above (Docket No. 1261).
26	1279	USEI moves to seal the entire Supplemental Report of
27		Walter Bratic and its Exhibits. Mr. Bratic's report
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<p>(568 in 10-5254)</p>	<p>and exhibits include information on the number of accused products sold during the damages period and a chart, for each product, stating which patent each product is accused of infringing. Most of this document is sealable. Accordingly, USEI's motion to seal is GRANTED (Docket No. 1279).</p>
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Case No. 10-5254

<p>525</p>	<p>Intervenor Sigma Designs, Inc. (Sigma) seeks permission to file under seal all or part of the following documents in support of Intervenor's and Defendants' Motions for Summary Judgment and Opposition to Plaintiff's Dispositive Motions:</p> <ol style="list-style-type: none"> <li>1. Rebuttal Expert Report of Dr. Lin.</li> <li>2. Amended Expert Witness Report of Dr. Michael Mitzenmacher Regarding Infringement of U.S. Patent No. 5,299,313 by Intervenor Sigma Designs, Inc. and Defendant AT&amp;T Services.</li> </ol> <p>The motion (Docket No. 525) is DENIED for failure to comply with Civil Local Rule 79-5(b), which requires that requests to seal be narrowly tailored. Sigma may resubmit a modified and narrowly tailored version of this sealing request no later than seven days from the date of this order. If it does not do so, the documents must be filed in the public record.</p>
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Defendant AT&T Services (ATTS) seeks permission to file under seal all or part of the following documents in support of Intervenor's and Defendants' Motions for Summary Judgment and Opposition to Plaintiff's Dispositive Motions:

1. Excerpt from the April 28, 2014 Amended Expert Witness Report of Dr. Michael Mitzenmacher regarding Infringement of U.S. Patent No. 5,299,313 by Intervenor Sigma Designs, Inc. and Defendant ATTS. The motion is GRANTED with regard to this document because ATTS limits its request to only confidential information.
2. Excerpt from Appendix M of the April 25, 2014 Expert Report of Walter Bratic. The excerpt contains confidential, nonpublic, and sensitive financial information of ATTS. The motion is GRANTED with regard to this document because ATTS limits its request to only confidential information.
3. Excerpt from Appendix I of the April 25, 2014 Expert Report of Walter Bratic. The excerpt contains confidential, nonpublic, and sensitive financial information of Sigma. The motion is GRANTED with regard to this document because ATTS limits its request to only confidential information.
4. Excerpt from the transcript of Walter Bratic's

June 10-11, 2014 Deposition. The excerpt contains confidential, nonpublic, and sensitive information of USEI, Sigma and/or ATTS. It also contains considerable non-sealable information. The motion is DENIED with regard to this document for failure to comply with Civil Local Rule 79-5(b), which requires that requests to seal be narrowly tailored. ATTS may resubmit a modified and narrowly tailored version of this sealing request no later than seven days from the date of this order. Because this document has been designated confidential by USEI, Sigma and ATTS, Sigma must also provide proof of service to USEI and ATTS. Within four days of being served, USEI and ATTS must file a declaration establishing that the document is sealable. If the parties fail to do so, the document must be filed in the public record.

5. Excerpt from the transcript of Michael Mitzenmacher's May 31, 2014 Deposition. The excerpt contains confidential, nonpublic, and sensitive information of USEI, Sigma and ATTS. The motion is GRANTED with regard to this excerpt because ATTS limits its request to only confidential information.

ATTS's motion to seal is GRANTED in part and DENIED



1		in part, as set forth above (Docket No. 526).
2	532	Intel seeks permission to file under seal all or
3		part of the following documents in connection with
4		Intervenors' and Defendants' Motions for Summary
5		Judgment and Opposition to Plaintiff's Dispositive
6		Motions:
7		1. The Motion and Opposition itself. The motion
8		is GRANTED with regard to this document because
9		Intel limits the redacted material to only
10		confidential information.
11		2. Exhibits 1, 8, 10, 11, 16, 17, 20, 34-40 and
12		63-65 to the Constant Declaration. Intel
13		represents that USEI has designated these
14		documents as confidential, but there appears to
15		be no declaration from USEI as to why these
16		documents should be filed under seal.
17		Accordingly, with regard to these documents,
18		the motion is DENIED. Within seven days, Intel
19		must file a declaration justifying its request,
20		and USEI must file a declaration justifying why
21		these documents are sealable. If the parties
22		fail to do so, unredacted versions of these
23		documents must be filed in the public record.
24		3. Exhibits 1-7, 9, 12-14, 21, 23, 25, 27, 29-32,
25		53 and 55-58 to the Constant Declaration.
26		These documents comprise excerpts of other
27		documents and contain confidential technical,
28		

1		financial and/or business information. With
2		regard to these documents, the motion is
3		GRANTED because Intel limits its request to
4		only confidential information.
5		4. Exhibit 29 of the Constant Declaration. With
6		respect to this exhibit, the motion is DENIED
7		because the document does not appear to contain
8		any confidential information. Within seven
9		days, Intel may file a declaration justifying
10		why this document is sealable, or, in the
11		alternative, it must file an unredacted version
12		of this document in the public record.
13		Accordingly, the motion is GRANTED in part and
14		DENIED in part, as set forth above (Docket No. 532).
15	559	Intervenor Sigma seeks permission to file under seal
16		all or part of the following documents relating to
17		Intervenors' and Defendants' Opposition To USEI's
18		Motion to Supplement the Record and for Leave to
19		Serve Supplemental Reports:
20		1. Exhibits 1, 2, and 4 to the Declaration of
21		Keren Hu (Hu Declaration). These exhibits
22		contain references to and excerpts from Sigma
23		product specifications, which include source
24		code. The motion is GRANTED with regard to
25		these documents because the materials are
26		related to a non-dispositive motion and because
27		Sigma limits its request to only confidential
28		

information.

2. Exhibit 3 to the Hu Declaration. The motion is DENIED with regard to this document because it does not appear to contain any confidential information. Within seven days, Sigma may file a declaration justifying why this document is sealable, or, in the alternative, it must file an unredacted version of this document in the public record.

Accordingly, the motion is GRANTED in part and DENIED in part, as set forth above (Docket No. 559).

#### CONCLUSION

For the reasons set forth above, Atheros' Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1162) is DENIED; HP's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1165) is DENIED; MSI's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1168) is GRANTED; Apple's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1183) is DENIED; Intel's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1192) is DENIED; USEI's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1195; Case No. 10-5254, Docket No. 536) is DENIED; USEI's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1196) is GRANTED in part and DENIED in part, as set forth above; Apple's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1217) is GRANTED; Intel's Administrative Motion to File Under Seal (Case No. 10-3724, Docket

No. 1221; Case No. 10-5254, Docket No. 545) is GRANTED in part and DENIED in part, as set forth above; MSI's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1225) is GRANTED in part and DENIED in part, as set forth above; USEI's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1238; Case No. 10-5254, Docket No. 553) is DENIED; Atheros' Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1255) is DENIED; Intel's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1258) is GRANTED in part and DENIED in part, as set forth above; MSI's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1261) is GRANTED in part and DENIED in part, as set forth above; USEI's Administrative Motion to File Under Seal (Case No. 10-3724, Docket No. 1279) is GRANTED; Sigma's Administrative Motion to File Under Seal (Case No. 10-5254, Docket No. 525) is DENIED; ATTS' Administrative Motion to File Under Seal (Case No. 10-5254, Docket No. 526) is GRANTED in part and DENIED in part, as set forth above; Intel's Administrative Motion to File Under Seal (Case No. 10-5254, Docket No. 532) is GRANTED in part and DENIED in part, as set forth above; Sigma's Administrative Motion to File Under Seal (Case No. 10-5254, Docket No. 559) is GRANTED in part and DENIED in part, as set forth above.

With regard to those documents where the motion to file under seal was denied, the denials are without prejudice. The party requesting sealing must submit, within seven days, a revised declaration remedying the deficiencies noted above. If the document has been designated confidential by a party other than the party requesting sealing, the requesting party must also provide proof of service on the designating party. The

1 designating party must file, within four days of receiving notice,  
2 a declaration justifying why the document is sealable. Any  
3 document for which these requirements are not met must be filed in  
4 the public record if the designating party has not justified  
5 sealing.

6 IT IS SO ORDERED.

7 Dated: November 24, 2014

  
8 CLAUDIA WILKEN  
United States District Judge